

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ESPERANZA & GEORGE GINES
17 Bronwood Drive
Voorhees, NJ 08043

Plaintiff,

Vs.

TRIUMPH MORTGAGE CORP.
508 Main Street
Wilmington, DE 19804

And

RALPH V. ESTEP
508 Main Street
Wilmington, DE 19804

Defendants.

CIVIL ACTION NO. 08-478-GMS

TRIAL BY JURY DEMANDED

SECOND MOTION FOR EXTENSION OF DEADLINE TO ANSWER COMPLAINT

Pursuant to Fed. R. Civ. Pro. 6(b)(1)(A), Triumph Mortgage Corp. ("Triumph") and Ralph V. Estep ("Estep") (collectively, the "Defendants") by and through their counsel, Sanclemente & Associates, LLC, respectfully request a second extension of the deadline to file and serve an answer to the complaint in the matter captioned above (the "Complaint"). In support of their motion (the "Motion"), Defendants state as follows:

1. On or around July 31, 2008, Esperanza and George Gines (the "Plaintiffs"), by and through counsel, filed the Complaint [Doc. No. 1] in the matter captioned above.
2. On or around August 4, 2008, the Complaint was served on the Defendants.
3. On or around August 22, 2008, Defendants retained present counsel.
4. The deadline to answer the Complaint was Monday, August 25, 2008.

5. On August 26, 2008, counsel for the Defendants filed a motion for the first extension of the answer deadline [Doc. No. 4].

6. On August 27, 2008, this Court granted the motion and allowed Defendants to file their answer on or before September 3, 2008.

7. Counsel are currently negotiating a settlement.

8. Counsel for the Defendants requests a second extension of the answer deadline, as the parties require additional time to negotiate a settlement.

9. Counsel for the Defendants has made a reasonable effort to reach agreement with the opposing attorneys on the matters in the Motion, and such agreement has been reached. The parties agree to an additional 20-day extension of the answer deadline.

10. Defendants reserve all rights, counterclaims, and defenses.

WHEREFORE, Defendants request that this honorable Court (a) enter an order reserving Defendants' rights, counterclaims, and defenses, and permitting Defendants to file an answer to the Complaint on or before Wednesday, September 23, 2008; and (b) award Defendants such other relief as is just, proper, and equitable under the circumstances.

SANCLEMENTE & ASSOCIATES, LLC
Attorneys for the Defendants

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Dated: September 3, 2008

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PROPOSED ORDER

On this _____ day of _____, 2008, this Court, having reviewed Defendants' unopposed second motion for an extension of the deadline to answer the complaint (the "Complaint") in the matter captioned above, hereby orders that Defendants are permitted to file and serve an answer to the Complaint on or before Tuesday, September 23, 2008. All Defendants' rights, counterclaims, and defenses are reserved.

J. Gregory M. Sleet